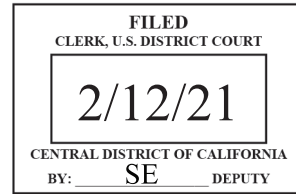


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6 *Attorneys for Relators*



7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10  
11 **[UNDER SEAL],**

12 Plaintiffs,

13 v.

14  
15 **[UNDER SEAL],**

16 Defendant.

CASE NO. CV 18-08311-ODW(AS)

**DECLARATION OF JUSTIN T.  
BERGER IN SUPPORT OF REPLY  
TO MOTION TO WITHDRAW AS  
COUNSEL**

Date: February 22, 2021

Time: 1:30 p.m.

Judge: Hon. Otis D. Wright II

Ctrm: 5D

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18  
19 **[FILED IN CAMERA AND UNDER SEAL  
PURSUANT TO 31 U.S.C. § 3730(b)(2)]**  
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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10  
11 **UNITED STATES OF AMERICA** *ex*  
12 *rel.* **IONM LLC**, a Delaware corporation;  
13 **STATE OF CALIFORNIA** *ex rel.*  
**IONM LLC**, a Delaware corporation; and  
14 **LOS ANGELES COUNTY** *ex rel.*  
**IONM LLC**, a Delaware corporation;

15 Plaintiffs,

16 v.

17 **UNIVERSITY OF SOUTHERN**  
18 **CALIFORNIA**, a California corporation

19 Defendant.

CASE NO. CV 18-08311-ODW(AS)

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21 **PURSUANT TO 31 U.S.C. § 3730(b)(2)]**  
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**DECLARATION OF JUSTIN T. BERGER**

I, JUSTIN T. BERGER, declare as follows:

1. I am an attorney duly admitted to practice before this Court, and am a partner with the law firm of Cotchett, Pitre & McCarthy, LLP (“CPM”), counsel for Relator in this matter. I make this Declaration of my own personal knowledge and, if called to testify as a witness, could and would competently testify to the matters stated herein.

2. The documents which have been released to Relator are the following: On January 8, 2021 CPM sent an electronic link which included administrative documents, agreements, pleadings/orders, correspondence (including all e-mails between CPM and the Government and/or Defendant), and research; On January 15, 2021 CPM sent an electronic link which included files from a USB drive provided by Relator that contained emails, medical records (including chat logs); and additional client documents from CPM’s servers.

3. On February 6, 2021 CPM sent via overnight mail a hard drive containing copies of the 272GB of files Relator referenced in its Opposition. These files were copies of ESI that Relator had in its possession. Specifically, in January 2019, Relator delivered USB drives to CPM with 272GB of ESI. CPM copied those files to its system, then promptly returned the USB drives to Relator. Accordingly, unless Relator lost the USB drives, the 272GB of ESI that is the focus of Relator’s Opposition have been in its possession all along.

4. Co-counsel has been in touch with Government counsel and the Government is aware that CPM is seeking to withdraw.

5. It is “unreasonably difficult” for CPM to represent Relator any further because there is an inability to work with co-counsel and there is a significant breakdown in the relationship and communication between Relator and CPM, as evidenced by Ms. Chang’s unilateral filing of a First Amended Complaint on behalf of Relator.

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct. Executed on this 8<sup>th</sup> day of February, 2021 at  
3 Burlingame, California.  
4

5 /s/ Justin T. Berger

6 JUSTIN T. BERGER  
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